

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

BERNITA WIDEMAN

JURY TRIAL DEMANDED

v.

CASE NO.

MONTEREY FINANCIAL SERVICES, INC.

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692.

2. This Court has jurisdiction. 15 U.S.C. § 1692k, 28 U.S.C. § 1331.

3. Plaintiff is a natural person who resides in Allegheny County, Western District of Pennsylvania.

4. Plaintiff is a consumer within the FDCPA.

5. Plaintiff allegedly incurred a debt within the FDCPA.

6. Defendant holds itself out to the public as a collection agency.

7. Defendant is a debt collector within the FDCPA.

8. Defendant’s collection efforts took place within the past year.

9. On February 25, 2008 at 5:12 PM, the Defendant sent the Plaintiff an e-mail, which is attached hereto as Exhibit “A”.

10. The e-mail states in pertinent part:

As you know, several months ago Monterey Financial Services purchased your Cash Call Loan. To date, we have not heard from you regarding repayment of your delinquent loan. Please be advised we have not filed a 1099 C form with the IRS concerning this debt as of yet. It is imperative that you contact this office immediately to

make payment arrangements to prevent further action in relation to the recovery of this loan.

11. The e-mail attached hereto as Exhibit "A" fails to identify the Defendant as a debt collector.

12. Defendant's agent/ employee, "Steve Orr", claims the "[R] eporting of the 1099 to the IRS is done at [the defendant's] discretion on a case by case basis. See e-mail attached hereto as Exhibit "B".

13. The e-mail attached hereto as Exhibit "B" fails to identify the Defendant as a debt collector.

14. It would have been illegal for the Defendant to file a 1099 C with the IRS.

15. The Defendant did not intend to file a 1099 C with the IRS.

16. In addition to the above communications, on or about February 26, 2008, the Defendant left a message with Plaintiff's administrative assistant. The Plaintiff received from her administrative assistant the e-mail attached hereto as Exhibit "C".

FIRST COUNT

17. In the collection efforts, defendant violated the FDCPA, *inter alia*, §1692c(b), 1692d, 1692d(1), 1692e, 1692e(5), 1692e(8), 1692e(10), 1692e(11) and 1692f.

18. As a result of defendant's illegal collection activities, plaintiff suffered actual damages in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, as well as unjustified and abusive invasions of personal privacy.

WHEREFORE, plaintiff respectfully requests this Court to:

1. Award plaintiff such damages as are permitted by law, including statutory and actual damages; and
2. Award the plaintiff costs of suit and a reasonable attorney's fee.

September 23, 2008

JEFFREY L. SUHER, P.C.

By: /s/ Jeffrey L. Suher
Jeffrey L. Suher, Esquire
Pa. I.D. # 74924
4328 Old Wm. Penn Hwy., Ste. 2J
Monroeville, PA 15146
(412) 374-9005
lawfirm@jeffcanhelp

Attorney for Plaintiff